

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 23 of Chapter 2 of Title 32.1 a section numbered*  
 3 *32.1-73.28:1, relating to menstrual products ingredient labeling; civil penalty.*

4 [H 998]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 23 of Chapter 2 of Title 32.1 a section**  
 8 **numbered 32.1-73.28:1 as follows:**9 **§ 32.1-73.28:1. Menstrual products ingredient labeling; civil penalty.**10 *A. As used in this section:*11 *"Confidential substance" means any element or substance that a manufacturer has added to a menstrual*  
 12 *product that serves a technical or functional purpose in the finished menstrual product and:*13 *1. For which a claim has been approved by the U.S. Environmental Protection Agency for inclusion on*  
 14 *the confidential portion of the Toxic Substances Control Act Chemical Substance Inventory, established*  
 15 *pursuant to 15 U.S.C. § 2607(b) and 40 C.F.R. Part 710;*16 *2. For which the manufacturer of the menstrual products or the supplier of the substance claims*  
 17 *protection under the federal Defend Trade Secrets Act of 2016 (18 U.S.C. § 1836 et seq.); or*18 *3. That is generally recognized as safe by the U.S. Food and Drug Administration pursuant to 21 C.F.R. §*  
 19 *170.30.*20 *"Ingredient" means any intentionally added substance present in a menstrual product that serves a*  
 21 *technical or functional purpose in the finished product, provided that the substance or the combination of*  
 22 *substances is not considered a confidential substance.*23 *"Label" means a display of written, printed, or graphic material on or affixed to a container in which the*  
 24 *menstrual products are distributed.*25 *"Menstrual product" means a disposable or reusable product manufactured for the purpose of catching*  
 26 *menstruation and vaginal discharge, including a tampon, sanitary pad, disc, menstrual cup, and menstrual*  
 27 *underwear.*28 *"Package or box containing menstrual products" does not include packaging used exclusively for*  
 29 *shipping purposes.*30 *B. Each package or box containing menstrual products manufactured for sale or distribution within the*  
 31 *Commonwealth shall contain a label of all ingredients that are included within such menstrual products, with*  
 32 *such ingredients listed in descending order of predominance. The label shall be displayed by the*  
 33 *manufacturer in a manner that is visible and easy for the consumer to understand. A manufacturer that*  
 34 *changes, adds, or removes an ingredient of a menstrual product shall make changes to the label required*  
 35 *pursuant to this subsection reflecting such change, addition, or removal within 18 months of such change,*  
 36 *addition, or removal. The provisions of this subsection shall not restrict the continued sale of menstrual*  
 37 *products manufactured before January 1, 2027.*38 *C. A manufacturer of menstrual products shall post on its website (i) the label information required to be*  
 39 *disclosed on each package or box containing menstrual products pursuant to subsection B and (ii)*  
 40 *information regarding any change to the label on a menstrual product required pursuant to subsection B*  
 41 *after changing, adding, or removing an ingredient within six months of such change, addition, or removal.*  
 42 *The manufacturer may use technologies, including a digital link, to communicate information pursuant to this*  
 43 *section.*44 *D. No manufacturer of menstrual products sold within the Commonwealth shall be required under this*  
 45 *section to disclose a confidential substance on a package or box or on its website. If a manufacturer declines*  
 46 *to disclose a confidential substance on a package or box containing menstrual products or on its website in*  
 47 *order to protect the identity of such confidential substance, such manufacturer shall include such confidential*  
 48 *substance by its common name with the label information required to be disclosed on each package or box*  
 49 *containing menstrual products pursuant to subsection B.*50 *E. Any violation of this section shall constitute a prohibited practice under § 59.1-200 and shall be*  
 51 *subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).*52 **2. That the provisions of this act shall become effective on January 1, 2027.**